

for participation by both the FCC and state regulatory commissions. FCC regulations, including Sections 51.703(b), provide the overall parameters for CMRS interconnection. Within those parameters, state commissions must exercise approval and arbitration functions as set forth in Section 252 of the Act.¹⁰ The FCC's interconnection regulations, including Section 51.703(b), do not preclude state commission approval of CMRS interconnection agreements. It is equally true, however, that in the CMRS context, the state commission's functions must be exercised subject to the parameters established by the FCC pursuant to Sections 2(b), 201, 202(a), 251(b)(5) and 332 of the Act.

Ameritech's ongoing violation of the above-described FCC CMRS interconnection regulations has precluded TSR Wireless from entering into good faith negotiations with Ameritech towards a Section 252 Agreement. In point of fact, Ameritech's violations must be considered to constitute per se bad faith.¹¹ Moreover, Ameritech's refusal to provide the New Codes until a Section 252 Agreement is executed by TSR Wireless without Ameritech first accepting the overarching parameters established by the FCC constitutes a blatant attempt to bully paging carriers into having to negotiate for the very provisions that the FCC itself has already mandated. The interconnection charges that LECs like Ameritech have traditionally imposed -- and, in fact, continue to impose in direct violation of, inter alia, Sections 51.703(b) and the Local Competition Order -- cannot, and should not, be considered a bargaining point in the state commission negotiation, arbitration and approval process established by Section 252 of the Act. The FCC has prohibited those charges pursuant to just, reasonable, well-articulated and judicially-upheld regulations and interpretations of the Act. Attempts by LECs, like Ameritech, to use these ongoing, prohibited charges as leverage against CMRS paging carriers in state commission proceedings cannot be accepted.

¹⁰47 U.S.C. §252. Section 252 provides for state commission participation in interconnection negotiations: (1) as a mediator, 47 U.S.C. §252(a)(2); (2) as an arbitrator, if so requested within 135-160 days after a carrier, such as a CMRS paging carrier, requests interconnection from an incumbent LEC, like Ameritech, 47 U.S.C. §§252(b)-(d); and (3) as an approving authority, 47 U.S.C. §252(e).

¹¹See Interconnection Declaratory Ruling, 2 FCC Rcd at 2916; aff'd, Interconnection MO&O, 4 FCC Rcd at 2370; see generally, Kiyoichi Fujikawa v. Sunrise Soda Water Works Co., 153 F.2d 490, 494 (9th Cir. 1946) ("'[g]ood faith' includes not only personal upright mental attitude and clear conscience, but also intention to observe legal duties.").

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TSR Wireless has consistently taken the position with Ameritech and other LECs that as soon as the LECs recognize their obligation to terminate these prohibited charges, TSR Wireless stands ready to issue a request for interconnection pursuant to Section 252(a) of the Act that will commence the specified period for negotiation and, if necessary, arbitration of a new interconnection agreement that will be subject to review and approval by the corresponding state commissions. These state commission proceedings will address issues that have not already been decided by the FCC, like the exact amount of reciprocal compensation to be paid by LECs to TSR Wireless for TSR Wireless's termination of LEC-originated local telecommunications traffic over TSR Wireless's CMRS paging networks.¹² These state commission proceedings will not -- and should not -- address charges that have been explicitly and justifiably prohibited by the FCC.

¹²In the Local Competition Order, the FCC held that even though the FCC was not at that time adopting default proxies for the amount of reciprocal compensation to be paid by LECs to CMRS paging carriers, state commissions are still obligated to base their determination of the appropriate rate of reciprocal compensation on "the forward-looking economic cost of such termination to the paging provider." Local Competition Order, 11 FCC Rcd at 16043. Although the FCC indicated that it intended to initiate a further rulemaking proceeding "to try to determine what an appropriate proxy for paging costs would be and, if necessary, to set a specific paging default proxy," *id.*, this further rulemaking proceeding will address only the amount of reciprocal compensation to be paid by LECs to compensate CMRS paging carriers for the cost of terminating LEC traffic. This further rulemaking proceeding will not revisit the FCC's previous determination that LECs may not impose any charges on paging carriers for delivery of the LECs' own traffic.

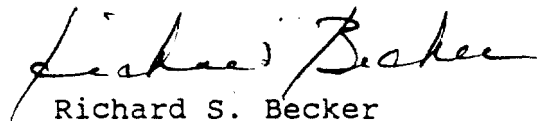
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Based on these facts, we demand that Ameritech modify its position and provide the New Codes despite the fact that a Section 252 Agreement has not yet been signed. We also point out that Ameritech's refusal to provide the New Codes would violate not only the FCC interconnection Rules discussed above and other FCC requirements, but also Sections 201(b) and 202(a) of the Act.¹³

In view of the importance of these issues, and particularly in light of the pressing need for TSR Wireless to obtain the New Codes to ameliorate with minimum disruption to TSR Wireless paging subscribers the significant, adverse effects of Ameritech's termination of reverse billing, we hereby request that you respond to this letter at your earliest convenience and no later than seven (7) business days from the date of this letter.

Of course, if you have any questions with respect to these matters, please contact us immediately.

Sincerely,



Richard S. Becker
James S. Finerfrock
Attorneys for TSR Wireless LLC

cc: TSR Wireless LLC

¹³Section 201(b) of the Act prohibits "unjust or unreasonable" "charges, practices, classifications, and regulations". 47 U.S.C. §201(b). Ameritech's refusal to provide the New Codes and any new, modified or additional interconnection services or facilities based solely on TSR Wireless's refusal to enter into a Section 252 Agreement pending compliance by Ameritech with FCC interconnection requirements is both unjust and unreasonable. Similarly, Section 202(a) prohibits "unjust or unreasonable discrimination in charges, practices, classifications, regulations, facilities or services...." 47 U.S.C. §202(a). To the extent that Ameritech provides new, modified or additional interconnection services or facilities to similarly-situated CMRS paging carriers, or to Ameritech's own paging operations, such action by Ameritech would violate 47 U.S.C. §202(a).

Attachment 4

Ameritech June 11 Memo

Ameritech

June 11, 1998

To: Wisconsin Industry Team

Re: Temporary suspension of code assignments
in Wisconsin's 414 NPA

The request for codes in the 414 NPA have far surpassed the 1998 Central Office Code Utilization Survey (COCUS). The 1998 COCUS reflects a second quarter 2001 exhaust which no longer reflects the current on-going utilization. As the incumbent C.O. Code Administrator, Ameritech will be required to temporarily suspend code assignments in the 414 NPA.

Lockheed Martin IMS, as the North American Numbering Plan Administrator (NANPA) will host an industry meeting in mid July, 1998 in Milwaukee, Wisconsin. The purpose of this meeting will be to establish jeopardy procedures for the 414 NPA and discuss NPA relief options.

If you have questions, please feel free to contact me at 414-523-6522.

Dawn Wantuch
Ameritech/Wisconsin
Code Administrator

Attachment 5

PSCW February 16 Letter



Public Service Commission of Wisconsin

Cheryl L. Parnia, Chairman
Daniel J. Eastman, Commissioner
Joseph P. Mettner, Commissioner

610 North Whitney Way
P.O. Box 7854
Madison, WI 53707-7854

January 12, 1993

Mr. James D. Schlichting, Chief, Competitive Pricing Division
Common Carrier Bureau
Federal Communications Commission
1919 M Street, N.W.
Washington, DC 20554

Dear Mr. Schlichting:

Staff of the Public Service Commission of Wisconsin (PSCW staff) have been reviewing an issue of charges that should apply for calls to CMRS providers that originate on local exchange company (LEC) networks. We are interested in receiving clarification and amplification from the Federal Communications Commission (FCC) relative to an issue frequently called reverse billing.

It has been a common practice for CMRS providers to set up their networks and service arrangements to that wireless customers are accessible throughout a service area without having charges (frequently toll charges) apply to the originating landline customers. Under this "reverse billing" arrangement, that CMRS provider voluntarily pays for these calls by having reverse billing. The CMRS providers have paid toll charges or access charges for these LEC-to-CMRS calls. This arrangement has made the CMRS service more salable and useful by providing a local service appearance throughout the wireless coverage area.

PSCW staff have been informed that Ameritech Wisconsin intends to eliminate this reverse billing option. Section 51.703(b) of the FCC rules is cited as mandating such action:

A LEC may not assess charges on any other telecommunications carrier for local telecommunications traffic that originates on the LEC's network."

PSCW staff raise the issue of whether reverse billing arrangements are still viable under this rule given the voluntary agreement by a CMRS provider to such arrangement, where the CMRS provider may be deemed to have agreed to be "billed" for "charges" that may be attributed to the landline callers.

PSCW staff seeks your views as to whether this rule (51.703(b)) is meant to, and in fact does, prohibit the long-used practice of reverse billing.

Mr. James D. Schlichting
Federal Communications Bureau
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It is our understanding that a potential reaction to the loss of reverse billing by CMRS providers is to request an NNX in local exchanges throughout the wireless coverage area. This may "resolve" the local call appearance of the calls (though local message charges may now apply); however, it seems to be an administrative step caused only because of the reverse billing demise and would seem to severely impact number resources.

Your input on this issue would be appreciated. My telephone number is (608) 266-6744

Sincerely,



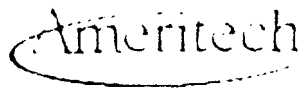
Gary A. Evenson
Assistant Administrator
Telecommunications Division

GAE:reb:tlss\letter\schlichting ltr gae

cc: Daniel Phythyon, FCC
Edward Krachmer, FCC

Attachment 6

Ameritech March 2 Letter



100 North Lincoln Avenue
Madison, WI 53703
Phone: 608/258-1000
Fax: 608/258-1005

Scott F. ZunderSanden
Director, CMRS & AMR

March 2, 1998

Mr. Gary Evenson
Telecommunications Division
Public Service Commission of Wisconsin
610 North Whitney Way
Madison, WI 53705

Re: CMRS Reverse Billing letter dated February 16, 1998

Dear Mr. Evenson:

Ameritech is responding to your letter requesting our position on reverse billing and the options that are available for continued and comparable CMRS service. We believe our response addresses the issues you identified in your letter.

In Wisconsin, as in the other states within its region, Ameritech has begun a phased out elimination of reverse billing. We have taken this phased out approach realizing that CMRS providers have used this billing option as a marketing tool. Ameritech initially announced the elimination of reverse billing in a letter dated September 23, 1997 which was sent to all CMRS providers. This letter was sent with the intention of giving these providers a 15 month window to allow for joint planning and transitioning. In Wisconsin, no new reverse billing has been offered effective November 15, 1997. All existing reverse billing will be retired on December 31, 1998.

Ameritech has taken this course of action because it has become apparent that reverse billing is fundamentally inconsistent with the local calling reciprocal compensation paradigm established by the Telecommunications Act of 1996 and the FCC. With reverse billing, Ameritech is charging the wireless carrier an access fee versus charging the calling party. However, this is not access, but rather it is a billing option for a local interconnection arrangement. With local interconnection, the originating party charges its customer and then

pays a termination fee to the carrier that terminates the call. Additionally, Ameritech has a concern with the specific FCC rule (see 51.100(b)) which states "LEC may not assess charges on any other telecommunications carrier for local telecommunications traffic that originates on the LEC network."

There are advantages for the CMRS providers to transition from reverse billing to standard billing. They will no longer pay the reverse billing call rates and they will receive reciprocal compensation for terminating calls. Ameritech recognizes, however, that some CMRS providers in the region may have used the local calling created by operation of the reverse billing option in their retail sales operations. To enable that marketing approach to continue as broadly as possible (consistent with applicable legal requirements), Ameritech is offering a new option to its CMRS customers who phase out reverse billing - the opportunity to rate their NXXs at Ameritech's exchanges of their choosing. The new plan allows cellular providers to create local calling areas that are the same as Ameritech's local calling areas and should provide local calling for a significant portion of calls to CMRS customers. Ameritech Account Managers will be working with cellular providers to customize a plan to retire reverse billing and to meet their market needs.

Please direct any questions related to this response to me.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott T. VanderSanden". The signature is fluid and cursive, with the first name "Scott" and last name "VanderSanden" clearly visible.

Scott T. VanderSanden



September 23, 1997

Sample A Sample
123 Any Street
Anytown, IL 123456

Dear Sample

In August of last year the Federal Communications Commission issued an Order, referred to as the First Report and Order, that changes the way Ameritech must do business with Commercial Mobile Radio Service (CMRS) companies like yours.

Some of the key provisions include: payment by Ameritech to CMRS providers for terminating Ameritech's originated traffic and disallowing a charge to a CMRS to terminate calls.

There has been a spirited debate in the industry concerning whether the reverse billing option is consistent with the FCC's requirement that LECs not charge CMRS providers for terminating CMRS traffic. Without addressing the merits of these arguments, it has become apparent to Ameritech that reverse billing is fundamentally inconsistent with the local calling reciprocal compensation paradigm established by TA 96 and the FCC.

In order to align our services with the new paradigm for local reciprocal compensation, Ameritech plans to end the billing option known as reverse billing, also called Type 2, Billing Option One and to replace it with a similar service.

The replacement service will allow you to select any Ameritech Central Office exchange as the point for your telephone prefixes to be rated. This allows you to continue to create "local" calling areas that are the same as Ameritech's. Attached is a list of frequently asked questions on this service and the replacement plan that will guide you through the transition.

You may begin using the replacement plan as soon as the Commissions in Illinois, Indiana and Michigan approve the tariff for the service. Ameritech will file tariffs on October 1, 1997. After approval, only the replacement plan will be available, no new reverse billing options will be offered and existing reverse billing options will be retired on 12/31/98. In Ohio and Wisconsin the replacement plan will be available under contract beginning on November 15, 1997, no new reverse billing will be offered after that date and existing reverse billing will be retired on 12/31/98. The new contracts will also require commission approval.

Your Account Manager has further details on this plan and a presentation can be arranged.

Sincerely,

A handwritten signature in cursive script, appearing to read "James E. Devine".

James E. Devine
General Manager - Sales, Wireless

Distribution List

cc:w/attach.: (via hand delivery)

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cc:w/attach.: (via overnight courier)

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